

From: Pete Cervasio
To: Microsoft ATR
Date: 1/23/02 4:09pm
Subject: Microsoft Settlement

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Under the Tunney Act, I wish to add my comments on the proposed settlement of the Microsoft anti-trust case. I believe that the proposed final judgement (PFJ) is flawed, and fully agree with the problems seen in it by Dan Kegel (found at <http://www.kegel.com/remedy/remedy2.html>).

Microsoft has been found guilty of a crime and as a result, they should be punished. They also should make reparations to those injured by their criminal actions. Unfortunately, the PFJ does not fully redress those actions that have been committed by Microsoft in the past, nor does it inhibit their ability to commit further acts in the future.

Because of Microsoft's business practices, hundreds (if not thousands) of small businesses have ceased to exist. Where are the provisions for reparation? The PFJ does **nothing** to correct Microsoft's illegal actions.

It only prohibits the future repetition of those abuses. This, in my opinion, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as their only "punishment" instructions that they cannot commit those acts again, they have still benefited from their illegal acts.

That is not justice, not for the victims of their abuses and not for the American people in general.

We do not smack the hands of bank robbers, murderers or rapists and tell them "don't do that any more". In this case, Microsoft isn't even getting their hands slapped! While it would likely be impossible to find all the people and companies who were forced out of business by Microsoft's illegal monopoly, making reparations to those hurt by Microsoft impossible also, Microsoft should be penalized for breaking the anti-trust law. The PFJ does not do that.

The Court's desire that a settlement be reached quickly is a good intention, but it is wrong to reach a settlement just for the sake of reaching one.

Sincerely,
Pete Cervasio
7013 Newcastle Place

North Richland Hills, TX 76180